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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 40-74 are pending in the application. Claims 40-74 have been rejected. Claims 40, 42-45, 47-49, 52-54, 56-65, 68-70, 72 and 74 have been amended.

Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 42, 43, 45 and 49 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 42, 43, 45 and 49 have been amended to remove the phrase rejected by the examiner.

In the Office Action, the Examiner rejected claims 48-56, 64-72 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 40 and 59 have been amended to remove disclosure of a beacon. Thus, the beacon claimed in claims 48 and 64, and in claims 49-56 and 65-72 dependent thereon, is clearly defined.

In the Office Action, the Examiner rejected claims 56 and 72 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 56 and 72 have been amended to remove the word rejected by the examiner.

Applicants respectfully assert that these amendments render claims 42, 43, 45, 48-56, and 64-72 proper under 35 USC 112 and request that the rejections be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 40-45, 48-50, 54, 55, 59-66, and 70-71 under 35 U.S.C. § 102(b), as being anticipated by Bouzitat et al. (US 2,677,820). Applicants respectfully traverse this rejection in view of the remarks that follow.

Bouzitat discloses a rotating beam that is received by two spaced aerals that are mounted on the aircraft, generating signals that may be compared to indicate a distance of the aircraft (column 2 lines 32-44). When the frequency of the beam is varied as a function of beam direction, the received signals may be further interpreted to yield an azimuth of the aircraft (col. 13, lines 52-75, col. 14 lines 1-43). Two receivers are required.

Bouzitat does not teach or suggest "an automated positioning system for determining the angular position of a vehicle with respect to a predetermined path, using at least two beams sweeping across at least a sector of interest, said at least two beams originating from a known position relative to the predetermined path" including "at least one electro-optical sensor onboard the vehicle for detecting said at least two beams" and " a logic circuitry on board the vehicle for processing a signal generated by said at least one electro-optical sensor so as to determine an angular position of the vehicle with respect to the predetermined path" as cited in amended independent claim 40. Nor does Bouzitat teach or suggest "an automated positioning method for determining an angular position of a vehicle with respect to a predetermined path, using at least two beams sweeping across at least a sector of interest, each beam of said two beams originating from a known position relative to the predetermined path" that includes " detecting at least one of said at least two beams by at least one electro-optical sensor onboard the vehicle" and " processing by a logic circuitry on board the vehicle a signal generated by the sensor so as to determine the angular position" as recited in amended independent claim 59. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Bouzitat cannot anticipate claims 40 and 59, as amended.

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Accordingly, Applicants respectfully assert that amended independent claims 40 and 59 are allowable. Claims 41-45, 48-50, 54, 55, 60-66, and 70-71 depend from, directly or indirectly, claims 40 and 59, and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 41-45, 48-50, 54, 55, 60-66, and 70-71 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claims 40 and 59, and to claims 41-45, 48-50, 54, 55, 60-66, and 70-71 dependent thereon.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 46, 47, 57, 58, 73, and 74 under 35 U.S.C. § 103(a), as being unpatentable over Bouzitat in view of Miles (US 4,277,170).

Applicants respectfully traverse the rejection of claims 46, 47, 57, 58, 73, and 74 under Bouzitat in view of Miles.

Applicants respectfully traverse the rejection because a prima facie case of obviousness has not been established.

Bouzitat has been discussed above. That discussion is relevant here. Miles describes a laser beacon mounted on a first aircraft that emits a beam which is sensed by an optical detector on a second aircraft in such a manner that a collision proximity warning device is triggered and/or collision avoidance maneuvers are initiated. In the preferred embodiment a horizontally collimated, vertically diverging laser beam is made to rotate in polarization while simultaneously rotating in azimuth with respect to the first aircraft. The optical detector mounted on the second aircraft preferably comprises a pair of horizontally offset light collectors which include narrow spectral width filters respectively and various other components which collectively determine the bearing, range and relative heading of the first aircraft. The system described by Miles requires a pair of offset sensors.

The combination of Bouzitat and Miles does not teach or suggest all the limitations of independent claims 40 and 59, nor does it teach or suggest all the limitations of dependent claims 46, 47, 57, 58, 73, and 74. Bouzitat has been discussed above. That discussion is applicable here. Miles is also silent as to "an automated positioning system for determining

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the angular position of a vehicle with respect to a predetermined path, using at least two beams sweeping across at least a sector of interest, said at least two beams originating from a known position relative to the predetermined path" including "at least one electro-optical sensor onboard the vehicle for detecting said at least two beams" and "a logic circuitry on board the vehicle for processing a signal generated by said at least one electro-optical sensor so as to determine an angular position of the vehicle with respect to the predetermined path" as cited in amended independent claim 40. Miles is also silent as to "an automated positioning method for determining an angular position of a vehicle with respect to a predetermined path, using at least two beams sweeping across at least a sector of interest, each beam of said two beams originating from a known position relative to the predetermined path" that includes "detecting at least one of said at least two beams by at least one electro-optical sensor onboard the vehicle" and "processing by a logic circuitry on board the vehicle a signal generated by the sensor so as to determine the angular position" as recited in amended independent claim 59. Therefore, Miles cannot cure the deficiencies of Bouzitat.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since Bouzitat or Miles, alone or in combination, do not teach or suggest all the elements of any of independent amended claims 40 and 59, the Examiner fails to establish a prima facie showing that Bouzitat or Miles, alone or in combination, teach or suggest every feature of amended independent claims 40 and 59.

Claims 46, 47, 57, 58, 73, and 74 depend from, directly or indirectly, claims 40 and 59, and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 46, 47, 57, 58, 73, and 74 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 46, 47, 57, 58, 73, and 74 dependent on amended independent claims 40 and 59.

In the Office Action, the Examiner rejected claims 51-53 and 67-69 under 35 U.S.C. § 103(a), as being unpatentable over Bouzitat in view of Dyke (US 4,700,301).

Applicants respectfully traverse the rejection of claims 51-53 and 67-69 under Bouzitat in view of Dyke.

Applicants respectfully traverse the rejection because a prima facie case of obviousness has not been established.

Bouzitatz has been discussed above. That discussion is relevant here. Dyke describes a method of automatically steering a motor vehicle on a preprogrammed course by continuously measuring angles between reference points and using a microprocessor to calculate vehicle position and direction of motion. Points along a prescribed course are sequentially retrieved from a memory and the direction to these points are calculated and compared to the present direction of travel. Steering angle is then set to guide the vehicle toward these points. In one embodiment (Fig. 1), a rotating laser emitter is mounted on the vehicle, and retroreflectors are mounted at fixed points relative the course. In an alternate arrangement (Fig. 8), two physically separated rotating lasers are detected by two detectors: a detector mounted on the vehicle and by another fixed detector that is in radio contact with the vehicle.

The combination of Bouzitatz and Dyke does not teach or suggest all the limitations of independent claims 40 and 59, nor does it teach or suggest all the limitations of dependent claims 51-53 and 67-69.

Bouzitatz has been discussed above. That discussion is applicable here. Dyke is also silent as to "an automated positioning system for determining the angular position of a vehicle with respect to a predetermined path, using at least two beams sweeping across at least a sector of interest, said at least two beams originating from a known position relative to the predetermined path" including "at least one electro-optical sensor onboard the vehicle for detecting said at least two beams" and "a logic circuitry on board the vehicle for processing a signal generated by said at least one electro-optical sensor so as to determine an angular position of the vehicle with respect to the predetermined path" as cited in amended independent claim 40. Dyke is also silent as to "an automated positioning method for determining an angular position of a vehicle with respect to a predetermined path, using at least two beams sweeping across at least a sector of interest, each beam of said two beams originating from a known position relative to the predetermined path" that includes "detecting at least one of said at least two beams by at least one electro-optical sensor onboard the vehicle" and "processing by a logic circuitry on board the vehicle a signal generated by the sensor so as to determine the angular position" as recited in amended independent claim 59. Therefore, Dyke cannot cure the deficiencies of Bouzitatz.

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An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since Bouzitat or Dyke, alone or in combination, do not teach or suggest all the elements of any of independent amended claims 40 and 59, the Examiner fails to establish a prima facie showing that Bouzitat or Dyke, alone or in combination, teach or suggest every feature of independent amended claims 40 and 59.

Claims 51-53 and 67-69 depend from, directly or indirectly, claims 40 and 59, and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 51-53 and 67-69 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 51-53 and 67-69 dependent on amended independent claims 40 and 59.

Conclusion

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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